

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 12-2804 (DSD/SER)

ANNEX MEDICAL, INC., STUART
LIND and TOM JANAS,

Plaintiffs,

v.

ORDER

KATHLEEN SEBELIUS, in her official capacity as Secretary of the United States Department of Health and Human Services; HILDA SOLIS, in her official capacity as Secretary of the United States Department of Labor; TIMOTHY GEITHNER, in his official capacity as Secretary of the United States Department of the Treasury; UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES; UNITED STATES DEPARTMENT OF LABOR; and UNITED STATES DEPARTMENT OF THE TREASURY,

Defendants.

This matter is before the court upon the motion by the American Civil Liberties Union and the American Civil Liberties Union of Minnesota (collectively, ACLU) for leave to file amicus curiae in opposition to plaintiffs' motion for preliminary injunction and for leave to appear at oral argument. "The district court has broad discretion to appoint amici curiae." Hoptowit v. Ray, 682 F.2d 1237, 1260 (9th Cir. 1982), abrogated on other grounds by Sandin v. Conner, 515 U.S. 472 (1995). "The usual rationale for amicus curiae submissions is that they are of aid to the court and offer insights not available from the parties." Auto. Club of N.Y., Inc. v. Port Auth. of N.Y. & N.J., No. 11 Civ.

6746, 2011 WL 5865296, at *1 (S.D.N.Y. Nov. 22, 2011) (citation omitted). Given the complex nature of First Amendment challenges, the court finds that appointing the ACLU will aid in disposition of the motion for preliminary injunction. Accordingly, **IT IS HEREBY ORDERED** that:

1. The ACLU's motion to appear as amicus curiae [ECF No. 20] is granted in part;

2. The ACLU's motion is granted only for the purpose of disposition of the motion for preliminary injunction; and

3. One hour has been allocated for oral argument on the motion for preliminary injunction. Counsel for plaintiffs shall receive thirty minutes for oral argument. Counsel for defendants and the ACLU collectively shall receive thirty minutes for oral argument, to be allocated at their discretion.

Dated: December 27, 2012

s/David S. Doty
David S. Doty, Judge
United States District Court